



BOARD OF ZONING APPEALS

Minutes of the Meeting

January 11, 2012

ATTENDANCE	A regular meeting of the Zoning Board of Appeals was held on Wednesday, January 11, 2012, in the First Floor Auditorium of the Sumter Opera House, 21 N. Main Street. Eight board members – Ms. Kay Stockbridge; Mr. James Price; Ms. Sonya Davis; Mr. J. Seth; Mr. Sam Lowery; Mr. John Acken; Mr. Jimmy Lowery; Mr. Patrick Flaherty and the secretary were present. Ms. Betty Clark was absent. The meeting was called to order at 3:00 p.m. by Ms. Kay Stockbridge.
MINUTES	A motion to approve the minutes of the November 9, 2011, meeting was made by Mr. J. Seth. The motion was seconded by Mr. Patrick Flaherty and carried a unanimous vote.
NEW BUSINESS	<p>BOA-11-26, 1091 Broad Street (City) was presented by Ms. Claudia Rainey. The board reviewed the request for a variance from Article 8, Section 8.i.10 Flag Poles and Flags for commercial business in order to allow 10 multiple commercial flags to be flown on top of Sonic Restaurant for at least 3 months per year. The property is located at 1091 Broad St. and is represented by Tax Map #203-13-03-002. Mr. Sam McLeod was present and spoke on behalf of the request. After some discussion, a motion was made by Mr. J. Seth to defer this request so that the applicant and staff could meet to discuss options. The request would then return to the Zoning Board of Appeals on Wednesday, February 8, 2012. The motion was seconded by Mr. Sam Lowery and carried a unanimous vote. The request was deferred.</p> <p>Mr. J. Seth recused himself from discussions on the following request.</p> <p>BOA-11-27, Longleaf Drive Mining (County) was presented by Mr. George McGregor. The board reviewed the request for:</p> <p><u>Part I - Appeal</u> D&L Properties (“Applicant”) is appealing the Zoning Administrator’s decision regarding site access to a dirt mining site according to Article 3, Section N; 3.n.3.b</p>

	<p>Agricultural Conservation Conditional Use Criteria. The Applicant proposes to use Longleaf Drive for direct access to the operation. The 137.52 acres of property is located between The Pines and Bar Zee Subdivisions off Kolb Road and is represented by Tax Map #181-00-01-003 ("Property").</p> <p><u>Part II - Variance</u> In addition, the Applicant is simultaneously requesting variances from Section 3.n.3.b in order to allow a proposed mining operation access via Longleaf Drive and for the operations to be less than 300 feet from a residential use.</p> <p><u>Part III – Conditional Use Referral</u> The Board of Zoning Appeals will also consider a Conditional Use request to operate a 4.98 acre dirt mining operation on the Property. The Zoning Administrator has referred the Conditional Use application request for the mining operation to the Board of Appeals consistent with Article 5, Section 5.b.1 Specific Conditions and Standards for Conditional Uses.</p> <p>Mr. Gene Durant, representative for the applicant and Mr. Louis Jackson of Greenepond Consulting were present and spoke on behalf of the request.</p> <p>Mr. Marvin Haley, Mr. Travis Atwood, Ms. Melissa Ivey, Mr. Rick Nelson, Mr. Brandon Ward, Ms. Vickie Timmons, Mr. Mike Bergeron, Mr. Gregg Kight, Ms. Donna Jolly, Ms. Virginia Campbell, Mr. Robert Reeves, Mr. Allan Clements, Mr. Doug McDowell, Mr. John Geddings, Mr. Bobby Floyd, Mr. Craig Duncan, Ms. Tracy Smith, and Mr. David Bailey were present and spoke in opposition of the request.</p> <p>Once the public hearing was closed, Ms. Kay Stockbridge asked for a show of hands and number count of people who were in attendance on behalf of the request and also in opposition of the request.</p> <ul style="list-style-type: none"> ➤ 6 people were in attendance on behalf of the request ➤ 69 people were in attendance in opposition of the request
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	<p>After much discussion, the following motions were made:</p> <p><u>BOA-11-27 Part I Appeal</u> A motion to deny BOA-11-27 - Part I Appeal which upholds the Zoning Administrator's decision as set forth in the Order of Appeal was made by Mr. John Acken. The motion was seconded by Mr. Sam Lowery and carried a five in favor-Acken, Davis, Flaherty, Price, S. Lowery and one abstention-J. Lowery vote. The request was denied.</p> <p><u>BOA-11-27 Part II – Variance</u> A motion to deny BOA-11-27 – Part II Variance subject to the findings of fact and conclusions of law as set forth in the Order of Variance was made by Mr. James Price. The motion was seconded by Mr. Patrick Flaherty and carried a five in favor-Acken, Davis, Flaherty, Price, S. Lowery and one abstention-J. Lowery vote. The request was denied.</p> <p><u>BOA-11-27 Part III – Conditional Use Referral</u> A motion to deny BOA-11-27 – Part III Conditional Use Approval based on staff recommendation and subject to the findings of fact and conclusions of law set forth in the Order of Conditional Use/Special Exception was made by Mr. Patrick Flaherty. The motion was seconded by Ms. Sonya Davis and carried a four in favor-Acken, Davis, Flaherty, S. Lowery and two abstentions-J. Lowery, Price vote. The request was denied.</p>
OTHER BUSINESS	<p><u>CALENDAR-</u> A motion was made by Mr. Patrick Flaherty to approve the 2012 calendar as presented. The motion was seconded by Mr. Sam Lowery and carried a unanimous vote.</p> <p><u>ELECTION OF OFFICERS</u></p> <p>Ms. Kay Stockbridge made a motion for Mr. J. Seth to become Chairman of the Board. The motion was passed by acclamation.</p> <p>Mr. Patrick Flaherty made a motion for Mr. James Price to remain Vice Chairman. The motion was passed by acclamation.</p>

ADJOURNMENT	<p>With no further business, a motion to adjourn was made at approximately 5:10 p.m. by Mr. Patrick Flaherty. The motion was seconded by Mr. Sam Lowery and carried a unanimous vote.</p> <p>The next regularly scheduled meeting will be on February 8, 2012.</p>
	<p>Respectfully submitted,</p> <p><i>Julie A. Scarborough</i></p> <p>Julie A. Scarborough, Board Secretary</p>